



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

CRAIG CARPENITO
UNITED STATES ATTORNEY

*Kruti D. Dharia
Assistant United States Attorney*

*970 Broad Street, Suite 700
Newark, NJ 07102
kruti.dharia@usdoj.gov*

*main: (973) 645-2700
direct: (973) 645-2891*

May 20, 2020

VIA ECF ONLY

Honorable Cathy L. Waldor
United States District Court
District of New Jersey
Newark, New Jersey 07101

Re: *Puello v. United States Postal Service, et al.*,
Civil Action No. 18-13714 (CCC)(CLW)

Dear Judge Waldor:

I am the Assistant United States Attorney assigned to defend the above-referenced action employment discrimination action. I write in response to Plaintiff's May 18, 2020 submission. *See* ECF No. 27.

Plaintiff alleges that Defendant's responses to her discovery requests are deficient. During the March 11, 2020 teleconference, the Court directed Plaintiff's counsel to send Defendant a letter identifying the specific responses that he believes are deficient. *See* ECF No. 25. To date, I have not received the deficiency letter. The May 18th submission complains about the entire response, but our responses are adequate. However, if Plaintiff continues to believe they are deficient, I request that he send me a letter identifying the specific responses he believes are deficient and explain why he believes the responses are inadequate.

Plaintiff further complains that we have not provided discovery, but this is incorrect. On December 23, 2019, we provided the following documents in response to his discovery requests:

- Plaintiff's written statement, bates-stamped US 00001-0002;
- Plaintiff's June 3, 2018 Notice of Removal, bates-stamped US 0003-0006;
- Plaintiff's July 26, 2018 Grievance, bates-stamped US 0004-0009,

On May 20, 2020, I supplemented our responses with the following documents:

- Notice of 14-day Suspension, bates-stamped US 000010-000012;
- Notice of 7-day suspension, dated December 28, 2016, bates-stamped US 000013-000015;
- Puello's USPS Time & Attendance Records, bates-stamped US 000016-000047;
- Email dated October 6, 2017 with attachment, bates-stamped US 000048-000050;
- Email dated October 6, 2017, bates-stamped US 000051.

If Plaintiff continues to allege that we have additional documents responsive to his requests, I ask that he send me a letter identifying the documents he believes we have in our possession that is relevant to the litigation.

Plaintiff also complains that we are not producing witnesses for depositions. On March 5, 2020, he sent me a letter requesting to depose two defense witnesses. I was in the process of arranging the defense witnesses' depositions for April, as well as deposing Plaintiff, but then the New Jersey Governor enacted the stay at home order because of the public health crisis. Until the May 18th letter, I have not heard from Plaintiff about these depositions and his plan to conduct the depositions given the Governor's stay-at-home order.¹

Additionally, I emailed Plaintiff's counsel on March 19, 2020 about supplementing Plaintiff's responses to Defendant's discovery requests, but I have not received a response. I followed up on May 18, 2020, asking if he can respond by email, but noting that I understand if he needs more time given the public health crisis. *See Exhibit A.*

Finally, Plaintiff sent me a settlement demand on March 5, 2020, but because of the size of the demand, we cannot respond until discovery is complete.

Thank you for your kind consideration of this matter.

Respectfully submitted,

CRAIG CARPENITO
United States Attorney

By: s/ Kruti D. Dharia
KRUTI D. DHARIA
Assistant United States Attorney

cc: Plaintiff's counsel by ECF

¹ As to the accusations made in his March 5th letter, it is my understanding that the parties resolved the issue after I forwarded Plaintiff the entire email thread on March 6, 2020. If Plaintiff disagrees, I will provide the email exchange to the Court.